

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SCOTT PISTONE,

Plaintiff,

v.

No. 13-cv-0920 MV/SMV

**STATE OF NEW MEXICO PUBLIC
DEFENDER DEPARTMENT and
T. DAVID EISENBERG,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**


THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 70] ("PF&RD"), issued on June 29, 2015. The Honorable Stephan M. Vidmar, United States Magistrate Judge, found that, without justification, Plaintiff has failed to comply with this Court's order to pay certain expenses and this Court's order to appear. Judge Vidmar further found that such actions have prejudiced Defendants and have interfered with the judicial process; that Plaintiff is culpable despite express warning that judgment may be entered against him; and that lesser sanctions have not been effective. Accordingly, pursuant to Fed. R. Civ. P. 41(b) and the Court's inherent authority, Judge Vidmar recommended that Plaintiff's claims be dismissed with prejudice and that judgment be entered in favor of Defendants in the amount of \$715. No one has objected to the PF&RD, and the time for doing so has passed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 70] are **ADOPTED**, and Plaintiff's claims are **DISMISSED with prejudice** pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority.

IT IS FURTHER ORDERED that judgment be entered in Defendants' favor in the amount of \$715.

IT IS FURTHER ORDERED that all pending motions are **DENIED as moot**.

IT IS SO ORDERED.



MARTHA VAZQUEZ
United States District Judge